IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

WP(C).No. 27309 of 2007(A)

PETITIONER:

G.N.VINU, S/O NESAMONY,
SPECIAL VILLAGE OFFICER,
AMBOORI VILLAGE, NEYYATINKARA TALUK,
RESIDING AT KUZHIVILA KARAIKKADU VEEDU,
NEDIYAMCODE, PARASSUVAIKKEL DESOM,
NEYYATTINKARA TALUK.

BY ADV. SRI.G.SUDHEER

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM DISTRICT.

2. SPECIAL DEPUTY TAHSILDAR(R.R.-KSFE),
NEYYATTINKARA.

3. KERALA STATE FINANCIAL ENTERPRISES,
REPRESENTED BY ITS MANAGER, BRANCH-II,
NEYYATTINKARA, NEYYATTINKARA P.O.

4. GOVERNMENT SERVANTS CO-OPERATIVE
SOCIETY T.280, NEYYATTINKARA- REPRESENTED BY ITS
SECRETARY, NEYYATTINKARA P.O.

5. STATE BANK OF TRAVANCORE,
PARASSALA BRANCH, REPRESENTED BY ITS
MANAGER, PARASSALA P.O.

6. KERALA TRANSPORT DEVELOPMENT FINANCE
CORPORATION LTD., REPRESENTED BY ITS
MANAGING DIRECTOR, 6TH FLOOR, TRANS TOWERS,
VAZHUTHAKADU, THIRUVANANTHAPURAM-14.

7. DISTRICT CO-OPERATIVE BANK,
M & E BRANCH, NEYYATTINKARA,
REPRESENTED BY ITS MANAGER,
NEYYATTINKARA P.O.

8. ANITHA S.NAIR, W/O LATE REJIKUMAR,
ANITHA BHAVAN, IRUMBIL, NEYYATTINKARA P.O.

9. AISWARYA(MINOR), D/O LATE RAJI KUMAR,
REPRESENTED BY HER NATURAL GUARDIAN
MOTHER THE 8TH RESPONDENT, RESIDING AT
-DO- -DO-.

R3 BY ADV. SRI.ASOK M.CHERIYAN, SC, K.S.F.E. LTD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 27309 OF 2007

Dated this the 13th day of September, 2007

JUDGMENT

Petitioner's case is that he stood as surety for the husband of the eighth respondent who is no more. However, first respondent has to disburse death cum retirement gratuity and other benefits due to the deceased employee which is to be received by the eighth respondent as his legal heir. The prayer is only to retain such of the amounts which are not immune from attachment in recovery proceedings and release payment to KSFE, State Bank of Travancore and other creditors who have issued garnishee proceedings against the petitioner. W.P. is disposed of directing the first respondent to consider the claim of creditors and pay the creditors from out of the amounts payable to the legal heirs of the deceased defaulter so much of the amounts which are not immune from attachment under any law in force and release only the balance portion to the legal heirs after notice to them. Petitioner will produce copy of this judgment before the first respondent for compliance. Recovery of the balance will be made from the defaulter's properties and guarantors including the petitioner.

(C.N.RAMACHANDRAN NAIR)
Judge